

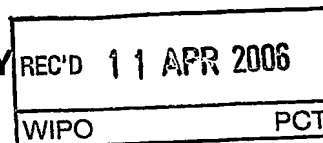
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)





Applicant's or agent's file reference P-2003-017WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/DK2004/000340	International filing date (day/month/year) 13.05.2004	Priority date (day/month/year) 13.06.2003
International Patent Classification (IPC) or national classification and IPC INV. H04R25/02		
Applicant OTICON AS et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ sent to the applicant and to the International Bureau) a total of sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 02.02.2005	Date of completion of this report 11.04.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Fülöp, I Telephone No. +31 70 340-1963 

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/DK2004/000340

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-7 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-6,10-11
	No: Claims	7-9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: WO 02/51203 A (BATTING JES ANKER ; OTICON AS (DK)) 27 June 2002
(2002-06-27)

D2: DE 30 32 311 A (PHONAK AG) 26 March 1981 (1981-03-26)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT and the subject-matter of claim 7 is not new in the sense of Article 33(2) PCT.

2.1. Document D1, which appears to be the closest prior art document, discloses:

- all but one of the essential features of independent claim 1 (see, especially, page 5, lines 12 - 17 together with figures 2, 7; wherein references 11 and 10 from D1 are, respectively, considered to be the same as "further connection means and electrical connection points at the accessory" from the wording of claim 1 and wherein the, not shown in the figures but implicitly disclosed in the text of D1, corresponding part of the "locking mechanism 11" and the "corresponding contact elements (not shown)" from D1 are, respectively, considered to be the same as "mechanical connection means and electrical connection points at the communication device" from the wording of claim 1) and

- all the essential features of independent claim 7 (see, especially, abstract, figures 2, 6, 7 and page 2, lines 24-28)

2.2. The subject-matter of claim 1 therefore differs from this known hearing aid / accessory connection system in that: "a sliding action" is used in order to put the two connection surfaces in relation with each other.

However, this is one of the two well known (see for example document D2: page 2,

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(SEPARATE SHEET)**

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line 25 - page 3, line 1 and figure 3) alternatives (the second being: cleaning the connectors manually and systematically) from which the skilled person would select without the exercise of inventive skill, in order to solve the technical problem of eliminating the corrosive layers or other deposits (due to heavy and long term usage) from the contact surfaces.

3. Dependent claims 2-6 and 8-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, see documents D1, D2 and the corresponding passages cited in the search report.

I.L.Fülöp